

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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BY Federal Civil Deputy Clerk

US District Court
Burlington Unit

State of Vermont
US District Court -

Docket No.

2:22-cv-8

George E Woods Jr
and Vermont Incarcerated
Inmates

v.

State of Vermont, Dept of Health

Director Mark Levine

State of Vermont Dept of Corrections

James Baker, Nicholas Deml

Thomas J. Donovan

- Class Action Civil Action -

Now Comes George Woods Jr Pro-se Pursuant
to 42 USC § 1983; V.R.C.P. 23, 12 V.S.A. § 5601 + 5602
Hereby Moves this Honorable District Court to Grant
Relief upon Petition, as Stated herein,
Within Facts of the Case.

Facts BackGround

1. Plaintiff Woods is and has been the Plaintiff, at 3 Separate Correctional institutions
at the times of incident; MVRCE, SSCE
and NSCE; location Rottland, Springfield

and Newport. As he is now under
the Care and Custody of Scott Marth
and Nicholas Deml; Now Housed at
NSCF 2559 Glenn Rd. Newport, VT.

2. The Class action Plaintiffs are all
Inmates that were incarcerated at
MVRCF, NSCF, SSCT, NWSF, NSCC
out of State placement and the Females
Facility; Between March of 2020 and
the existing Dates into 2022, as we're
receiving Covid treatment - See Attached
Exhibit 1 (41) Signatures of Inmates,
who faced the ongoing punishment detailed
within:

3. The Defendants Are and Have
Been: VT. Dept of Health, Director
Mark Levine
VT. Dept. of Corrections Commissioner
James Baker, As he had been the Commissioner
overacting from March 2020 to Nov. 1, 2021
Nicholas Deml, is now the Commissioner
in Charge Since Nov. 1, 2021

History -

Q. On 4/22/2020 Plaintiff Woods was incarcerated, Placed in NSCF in the Seg Unit, for Quarantine for 14 days.

This consist of. 1) No use of Telephones
2) NO USE OF legal material to defend any legal matters 3) NO Recreation period, besides a 10 minute shower 4) no communication w/ the People in Society 5) Hardly no Hot food 6) no Radio 7) NO News or T.V. access 8) no visits -

"At this time D.O.C had access to be able to Swab and test individuals that were incarcerated, As they choose not to use that method, instead, kept individuals isolated in Segregation."

Nurses did not change their Gloves and Co's went in Cell to Cell and conducted Bar and window checks. Therefor, There was nothing done special to prevent the spread of the virus.

"Therefor conducting this treatment for nothing". All inmates coming into the facility were treated as this -

Since 4/22/2021 To my knowledge and experience, The Defendants; while in the Covid-19 Mandated State Actions have Caused The Plaintiffs, A typical Significant Handships and have stripped The Plaintiffs from many rights under our US. Constitution: USCS Const Amend one, five, six, eight and Fourteen -
 Has they have violated Constitutional Rights -

- A) USCS CONST. Amend one violation;
 American citizens all have a right to Freedom of Speech, Movement and religious Beliefs - This has been restricted, even when Young Inmates have been Vaccinated and The State Allows, non-Vaccinated Officers and personnel into the facility and have full access, to every Building, unit and cell while the same officials restrict us from visits with our friends and family? See Overton v. Bazzetta, 539 U.S. 126, 737 (2003) It had been found Visitation falls under a valid penological Interest, and passed the Turner Test, As the 1st, 8th + 14th US. Amendment is violated, by not allowing visits / Family

Contact, Although, The VT. D.O.C. Justifies These acts to restrict visitation; because Of Safety reasons; Due to Covid; Giving Them The right of restriction Bellomy V. Bradley 729 F.2d. 416, 420 (6th Cir 1984) See also Lynott V. Henderson 610 F.2d 340 (11th Cir. 1980) King V. Caruso 542 F. Supp. 2d 703, 711 (E.D. Mich. 2008)

Although, These visits have been restricted based on a Covid-19 Ban Hallal V. Hopkins 947 F. Supp 978 (S.D. Miss 1995)

The Question, Can This Ban Be Justified, Considering The State of Vermont, "Allowing" The VT. Dept of Corrections officials, Come In The Facility, Unvaccinated and The One's Spreading The Virus and Causing The Mass Lock-downs - Ryerson V. Caruso No. 1:08-CV- 516 2009 U.S. Dist, Lexis 82839 (W.D. Mich July 20, 2009)

(B) VT. D.O.C Has Stopped Religious Services - See; O'One V. Estate of Sheebazz 482 U.S 342 (1987) No one can be deprived of this Right to have Religious Services, As The Spiritual Connection with others, Is healthy healing and re-habilitative.

c) VT. D.O.C officials (Defendants) Restricted outside Recreation and Reasonable amount of time; out of our Cells -

Prisons must provide prisoners with exercise out of the Cells See Keenan

V. Hall 83 F.3d 1083, 1089 (9th Cir. 1996)

Delany v. Detella 256 F.3d 679 (7th Cir. 2001) Prisoners can not be deprived of outside exercise for long periods of time

Hearns v. Terhune 473 F.3d 1036 (9th Cir. 2005)

(D) VT. D.O.C officials (Defendants) Restricted use of the telephone; and video visits Even, After a Court order to allow and mandate the visits -

See: McMaster v. Pung 984 F.2d 948 953 (8th Cir. 1993)

E) VT. D.O.C officials (Defendants) has caused Prisoners (Plaintiffs) Deprivation of Quality and Quantity of Food, As- the Prison is not maintaining the Healthy Standards Approved under the FDA; and were not given Hot food: See : Robles v. Coughlin 725 F.2d 12 (2d. Cir. 1983)

(F) V.T. D.O.C. officials (Defendants) have denied access to the law library, prevented access to the courts, by not allowing Emergency filings, Altered and destroy evidence and violate the Due Process of the Prisoner -

Case workers in fact accept legal motions from Attorneys; And distribute them, in a time, they see fit. See In Re: Bounds 430 U.S. 817 See: Costello v. Cook County Mail Room 990 F.2d 304 (7th Cir. 1993) Brerega v. Reno 59 F.3d 1445 (3rd Cir. 1995)

D.O.C. also, has prevented access to copies at times and when Motions have been Sent in to have Copies - The Motion has to be approved through the Vt. Dept. of Corrections Attorney - As D.O.C will prolong the Copies to be done, on numerous occasions in Retaliation: John V. N.Y.C Dept of Corrections 183 F. Supp. 2d 619 (S.D.N.Y 2002)

Thaddeus-X v. Blatter 175 F.3d 378 (6th Cir 1999); Calhoun v. Hargone 312 F.3d 730 (5th Cir. 2002); Witt v. Wisconsin Dept. of Corrections 434 F.3d 1031 (7th Cir 2006) The Pattern of this Abuse has

Become Continuous, let alone ; the System, the facility has had to allow access to the Courts and legal material for filings has violated Rights of the Plaintiffs, As this has in fact prolonged Incarcerative State's for Plaintiffs and Due Process Rights violated, without the Disciplinary processes creating punishment when punishment isn't necessary -

Lewis v. Casey ; Salahuddin v. Board 467 F.3d 263 (2d Cir 2006) Even inmates in Segregation have to have a meaningful way of accessing the law library - this has been denied : Trujillo v. Williams 465 F.3d 1210 (10th Cir 2006) Marange v. Fontenot 879 F. Supp 679 (E.D.Tex. 1995)
Wolff v. McDonnell 418 U.S. 539 -

Plaintiffs Right to Decent Conditions in Prison
Incarcerated individual Plaintiffs; All have right of Basic needs " Shelter, Food, Exercise clothing, Sanitation and Hygiene -

Rhodes v. Chapman 452 U.S. 337, 346 (1981)

The Above restriction, have been extreme and very harsh on the Plaintiffs, Going on two years we have been exposed to objective and subjective harm

Farmer V. Brennan 511 U.S. 825 (1994) Wilson V. Seiter 501 U.S. 294 (1991) we have been deprived of our basic human needs and have been exposed by serious harm, As D.O.C officials are the perpetrators of bringing the virus into the facility, causing great illness and almost near death experiences; not allowing offenders to be released that have already served the program requirements and minimum release -

These Defendants are all responsible, as they have all been notified, through numerous exhausted remedies, Request forms, Letters, Grievances System and even Court orders -

These Plaintiff's State; the D.O.C has acted in a deliberate indifference, as they have all been notified, even, been notified, of how to possibly reduce the germ exposure, through different ways they conduct their Day to day activity -

(G) The actions listed here in have in fact caused A-typical Significant Hardships Farrier V. Coughlin 81 F.3d at 313, 317 (2d. Cir 1996); Brown v. Plant

131 F.3d at 163 (D.C. Cir 1997) as the restrictions have taken away from the normal day to day living, within Prison life. - It has been pointed out, to have visitors addressed, many times, As D.o.c officials have acted irresponsibly and have exposed the plaintiffs, to more harm, than they have kept them from. These officials, Such as The Acting Supervisors in Each facility Are liable under Title 28 Authority and Are not protected under The Immunity of The 11th Amendment, based on The facts - They have not done preventative actions, besides create more liberty violations and restrictions of the inmates : Plaintiff Woods has been personally harmed, Considering when he contracted Covid 19 from A Correctional Officer at WSCF - He had been induced of having 2 Seizures and Split his Eye Brow, during the Seizure, and, it had hospitalized A Incarcerated Individual By The name of "Allen Marsh Inmate # 13788"

- Demand of Prosecution -

- A) "All" Surveillance video's in every facility in the last 9 months -
- B) All medical records, of every inmate that Contracted covid-19, while Incarcerated -
- C) All inmates Names, location Status in and out of State, under care of Vt. D.O.C from 3/2020 - ongoing into 2022 -
- D) Town mandates, State mandates and Vt. Health instructions to the Vt. D.O.C
- E) All Covid-19 Conversations, Documentations E-mail Correspondence, between the facilities and Commissioner / Executives and Vt. Health, And or Government officials -
- F) All records of the CO's whom were Positive with Covid-19 from 3/2020 into 2022 -
- G) All Records of Covid-19 lock downs for the 24 hour a day process, exceptions to showers -
- H) All Guidelines, including Covid-19 Treatment for all Inmates, whom filed, All request forms and Documents
- I) All Court cases - where Companies have been Sued by Thomas DONOVAN and or Fined -

Damages -

Plaintiffs Are Requesting Nominal Damages of \$1.00 from all Defendants, Jointly and Severally, Showing Their Rights were Violated -

Plaintiffs Are Requesting Punitive Damages from Defendants in The Amount of Three million dollars Jointly and Severally by the Defendants, To be Devoted equally to the Plaintiffs, due to their Suffering and Blatant Violation of their rights, in creation of violating their rights of USCS. Const. 1, 4, 5, 6, 8, 14

Plaintiffs Are Requesting Compensatory Damages of two million Dollars Jointly and Severally by the Defendants To be Devoted equally to the plaintiffs due to their loss of liberty and Additional funds being Spent for all basic needs Additional Time Spent for not being able to access the Courts properly, not having family ties met etc -

Therefor Plaintiffs Pray for Following
Relief.

1. This Honorable Court To Accept Jurisdiction.
2. Order for a prompt Hearing.
3. Order injunction To prevent D.O.C To Continue These violations here in State.
4. Order and Demand Speedy Trial.
5. Bring all other legal violations to court, under law.
6. Order all other relief under law
7. Order, Nominal Damages, Compensatory Damages and Punitive Damages, To be payed by the Defendants
8. All legal expenses To be paid by the Defendants upon final order in favor of the Plaintiffs -
9. Leave to Amend.

Waiver of Court Fees -
Plaintiff waives Court fees that he is in fact indigent and has a total of Twenty two Dollars, in his inmate account and has been incarcerated

Since 4/22/2020, with no assets -
and has a factory job, that he
makes \$62 Every Two weeks -

Plaintiff Woods Smeals under penalty
of perjury that all in here, is
Partial To The best of his understanding
and knowledge

Executed at NSCF 2559 Glenn Rd,
Newport VT 05855 on this 15 day
of December 2021

I Plaintiff Woods Certify I have Sent
Service of this Class action Tort and
Signature To: Thomas J. Donovan
Office of Attorney General 109 State
Street, Montpelier, VT 05609 By U.S.
Mail on 12/1/21

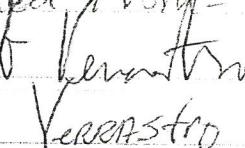
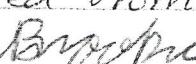
Respectfully Submitted



George E. Woods Jr.

NSCF 2559 Glenn Rd.
Newport, VT 05855

Covid-19 Lockdown Punishment

Signature	Print	Date	ID #
1. Signature 	Print Joseph TRUSKOWSKI	DOC 10-03-88	ID # 106195
Recent Time Incarcerated From		to -	
2. Signature 	Print Robert Verenstro	DOB 3/18/78	ID # 21481
Recent Time Incarcerated From		to -	
3. Signature 	Print Daniel Ioana	DOB 2/10/86	ID # 89393
Recent Time Incarcerated From		to -	
4. Signature 	Print Lee Broome	DOB 12/14/84	ID # 64668
Recent Time Incarcerated From		to - D	
5. Signature 	Print Becky	DOB 1/16/77	ID # 64313
Recent Time Incarcerated From		to	
6. Signature 	Print Jacob Tousignant	DOB 10/23/86	ID # 76113
Recent Time Incarcerated From 7/10/17-1/12/21		to	
7. Signature 	Print Jonathan Stuart	DOB 4-12-97	ID # 129001
Recent Time Incarcerated From 6-28-21		to 1-8-22	
8. Signature	Print	DOB	ID #
Recent Time Incarcerated From		to	
9. Signature	Print	DOB	ID #
Recent Time Incarcerated From		to	

Covid Lockdown Punishment

Turned in Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
2. Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
3. Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
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